



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

IN THE MATTER OF THE EXTRADITION
OF TONY OSEDE

22-MJ- 5084

Complaint for Provisional Arrest With a View Toward Extradition

(18 U.S.C. § 3184)

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief that the following is true and correct:

1. In this matter, I represent the United States in fulfilling its treaty obligation to the Kingdom of Spain ("Spain").
2. There is an extradition treaty in force between the United States and Spain (the "Treaty").¹
3. The Treaty provides in Article XI for the provisional arrest and detention of

¹ The extradition provisions in force between the United States and Spain are found in the Treaty on Extradition between the United States of America and Spain, U.S.-Spain, May 29, 1970, 22 U.S.T. 737; the Supplementary Treaty Amending the Treaty of May 29, 1970, U.S.-Spain, Jan. 25, 1975, 29 U.S.T. 2283; the Second Supplementary Extradition Treaty between the United States of America and the Kingdom of Spain, U.S.-Spain, Feb. 9, 1998, S. TREATY DOC. NO. 102-24 (1992); the Third Supplementary Extradition Treaty between the United States of America and the Kingdom of Spain, U.S.-Spain, Mar. 12, 1996, S. TREATY DOC. NO. 105-15 (1997); and the Instrument as contemplated by Article 3(2) of the Agreement on Extradition Between the United States of America and the European Union signed 25 June 2003, as to the application of the Treaty on Extradition Between the United States of America and Spain signed 29 May 1970, and the Supplementary Treaties on Extradition signed 25 January 1975, 9 February 1988 and 12 March 1996, U.S.-Spain, Dec. 17, 2004, S. TREATY DOC. NO. 109-14 (2006) (the "Instrument"), *with* Annex (collectively, the "Treaty").

alleged fugitives pending the submission of a formal request for extradition and supporting documents.

4. In accordance with Article XI of the Treaty, Spain has asked the United States for the provisional arrest of Tony OSEDE ("OSEDE"), with a view toward his extradition.

5. According to the information the Government of Spain has provided, OSEDE, a Nigerian national, is wanted in Spain so he can serve the remainder of a sentence of imprisonment of eight years and eight months following his conviction, in the Magistrates' Court of Madrid, for drug trafficking in violation of Articles 368 and 369.1.6 of the Spanish Penal Code.²

6. This offense was committed within the jurisdiction of Spain. On September 25, 2017, Magistrate Juan Jose Lopez Ortega of the Crown Court of Madrid issued a warrant for OSEDE's arrest. According to the information the Government of Spain has provided:

a. An investigation by Spanish law enforcement authorities revealed that OSEDE and an accomplice, Adam Coulibaly, entered into an agreement to import cocaine from Bolivia to Spain so that they could sell the cocaine to third parties. Coulibaly formerly had been employed at DHL's facility in Madrid-Barajas Airport, and the plan called for the cocaine to ship from Bolivia to Spain via DHL.

b. On the afternoon of January 23, 2009, OSEDE drove with Coulibaly, in OSEDE's car, to DHL's warehouse at the Madrid-Barajas Airport. OSEDE drove

² Originally, on February 16, 2010, the court imposed a sentence of thirteen years imprisonment. On April 26, 2011, the court reduced the sentence to eight years and eight months imprisonment.

past the warehouse at first and then returned. Coulibaly, dressed in a DHL uniform, went inside the warehouse, while OSEDE drove around the area at least three times. From the warehouse, Coulibaly retrieved a package that Jorge Jimenez Flores sent from Santa Cruz, Bolivia, to the attention of Ocaña e Hijos, a company in Madrid. While under surveillance, Coulibaly opened the package, removed fifteen smaller packages wrapped in tracing paper, and placed them inside a box, which he had removed from OSEDE's car before entering the warehouse. Coulibaly fled the scene when the security service and the Civil Guard appeared. Shortly thereafter, OSEDE and Coulibaly were arrested. Coulibaly asserted that OSEDE was the person who had shown him the delivery note for the package. Coulibaly also asserted that he was at the warehouse on OSEDE's behalf. OSEDE initially claimed that he was just at the scene "walking." At trial, however, he asserted that he was accompanying Coulibaly because he was grateful to Coulibaly for assisting and visiting him when he was convalescing from a hand injury.

c. At trial, DHL employee Jose Antonio Garcia Rama testified that Coulibaly had contacted him to ask if the package had arrived, and DHL employee Jose Ballesteros Sanchez testified that Coulibaly had called him 37 times that day.

d. The fifteen packages contained cocaine with an average purity of 80.1% and a net weight of 15,823.75 g. Law enforcement authorities estimate that the seized drugs had a street value of approximately € 1,402,042.48 in the wholesale market and € 2,017,169.36 in the retail market.

e. On July 30, 2012, OSEDE failed to return to prison, where he was serving his term, and an initial warrant issued for his arrest on August 1, 2012.

f. OSEDE has 1,877 remaining days to serve on his Spanish prison sentence.

7. Article II of the Treaty covers the aforementioned offense.


8. OSEDE may be found within the jurisdiction of this Court. He is presently in U.S. custody, in connection with a federal charge, at the Niagara County Jail, located at 5526 Niagara Street, in Lockport, New York.³

9. The Government of Spain has represented that it will submit a formal request for extradition, supported by the documents the Treaty specifies and within the time the Treaty requires.

WHEREFORE, the undersigned requests that a warrant for OSEDE's arrest issue in accordance with 18 U.S.C. § 3184 and the Treaty.


CHARLES M. KRULY
Assistant United States Attorney

Sworn to before me and signed telephonically this
25th day of August, 2022


HON. MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF NEW YORK

³ See *United States v. Osede*, Case No. 1:22-mj-130 (W.D.N.Y.).